

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOLI SYARIEF PULUNGAN,

v. Plaintiff,

ORDER

UNITED STATES OF AMERICA,

11-cv-470-wmc

Defendant.

Plaintiff Doli Syarief Pulungan has filed this action seeking a certificate of innocence following a June 15, 2009 decision by the Court of Appeals for the Seventh Circuit reversing his conviction for exporting riflescopes manufactured to military specifications without a license. (Such a certificate is required for plaintiff to pursue a claim against the government for unjust imprisonment, 28 U.S.C. § 2513). From the affidavit of indigency plaintiff provided in his previous litigation in this court, case nos. 10-cv-634-wmc through 10-cv-639-wmc, I conclude that plaintiff may proceed without prepaying a filing fee for this action.

Under the briefing schedule set on plaintiff's application for the certificate, he has until February 17, 2012 to submit his brief in support. Plaintiff has responded by submitting an email message to the clerk's office asking for an extension of time to file his brief and indicating that he does not know "what to do," stating in part that "you knew I do not know legal language, I am not American, and do not know how to file brief motion the courts and more ever, I have tried to contact and asked many US Lawyers but, no one US Lawyer would represent me . . ."

I note first that it is not this court's policy to accept documents submitted by email, but I will accept this document as it is clear that plaintiff does not understand court procedures. Plaintiff will have to submit his briefs by mailing them to the court, as he did with his original request for the certificate of innocence. Also, he is required to mail a copy of his briefs to the U.S. Attorney's office. That address is P.O. Box 1585, Madison, WI 53701-1585.

I will grant plaintiff a short extension of time to file his brief in support for his request for a certificate of innocence. There will be no further extensions. To the extent plaintiff discusses his inability to find a lawyer, I note that plaintiff has not filed a formal motion for appointment of counsel. Even if plaintiff had filed a formal motion, there would be no reason to give him a lawyer. The facts of this case are laid out in the criminal trial transcripts. All plaintiff has to do at this point is explain why he is entitled to a certificate of innocence given the facts of his case. To do this, plaintiff must show that he is “innocent of any criminal offense.” *Betts v. United States*, 10 F.3d 1278, 1283 (7th Cir. 1993). *See also Rigsbee v. United States*, 204 F.2d 70, 72 (D.C. Cir. 1953) (“Not only must the plaintiff show . . . that he was acquitted; he must also show that the trial judge thought he did not commit the acts charged or that, if he did, his acts were justifiable and so not criminal. Thus, in effect, the statute requires that an expert thirteenth juror concur in the verdict of not guilty.”)

ORDER

IT IS ORDERED that plaintiff Doli Syariep Pulungan’s motion for an extension of time to file his brief in support of his request for a certificate of innocence, dkt. 2, is GRANTED. Plaintiff’s new deadline is February 27, 2012. Defendant will have until March 12, 2012 to file a response. Plaintiff will have until March 22, 2012 to file a reply.

Entered this 13th day of February, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge